

CEQA and the Delta Plan

Presentation to
Delta Stewardship Council
February 24, 2011

Topics

- Purpose of CEQA Review Generally
- CEQA Review of the Delta Plan
- Delta Plan EIR Steps
- Delta Plan vs. Delta Plan EIR: Process and Timing
- Office of Administrative Law Timing

Purpose of CEQA Review

- Government agencies must use their regulatory authority “so that major consideration is given to preventing environmental damage, while providing...a satisfying living environment for every Californian.” Pub. Res. Code section 21000(g)
- How do we get there?

Purpose of CEQA Review

- TWO STEPS
- (1) Provide information to decision-makers and the public about potential environmental effects of proposed regulatory activities
- (2) Use that information to modify those proposed regulatory activities so as to limit the potential environmental effects

Purpose of CEQA Review

- Covered regulatory activities requiring CEQA review include many things that may have a physical effect on the environment
 - Construction/operation of a new facility
 - New regulations
 - Planning documents
- CEQA calls the proposed activity the “project”

Purpose of CEQA Review

- CEQA requires government agencies to
 - Analyze the potential environmental impacts of a proposed project
 - Consider whether alternatives or modifications (via mitigation measures) to the project would lessen the impacts
- “Project” for us is the proposed Delta Plan

CEQA Review of the Delta Plan

- Delta Plan EIR will analyze potential environmental effects of adoption and enforcement of the Delta Plan
 - EIR will evaluate whether alternatives to aspects of the Delta Plan would lessen impacts
 - EIR will evaluate whether mitigation measures adopted and incorporated into the Delta Plan would lessen impacts

CEQA Review of the Delta Plan

- Delta Plan and Delta Plan EIR are not the same
 - Delta Plan is the regulatory document
 - EIR informs the Council as to potential impacts of Delta Plan adoption.
 - Objective analysis, not policy.
- So:
 - Delta Plan = the CEQA “project”
 - Delta Plan EIR evaluates impacts of that “project”

CEQA Review of the Delta Plan

- Results of the EIR process may lead staff/Council to modify the Delta Plan prior to adoption
 - This is how CEQA is supposed to work

Delta Plan EIR Steps

- Notice of Preparation (Dec 2010)
- Scoping Meetings (Jan 2011)
- Determine Environmental Setting/Baseline (Feb to *April*) – “White Paper” update
- Formulate alternatives to be studied in detail in EIR (*March* to May)
- Prepare Draft EIR (March to May)
 - Release Draft EIR for public comment (June)

Delta Plan EIR Steps

- Public reviews and submits comments on Draft EIR (June to Aug)
- Staff prepares written responses to EIR comments and modifies EIR as necessary (Sept)
- Written responses and revised EIR text called the “Final EIR” (released to public Sept)
- Council considers and certifies EIR as being complete and in compliance with CEQA (Nov)

Delta Plan vs. Delta Plan EIR: Process and Timing

- Delta Plan Draft 1 released Feb 14
- Three more Drafts by late May
- Delta Plan Draft EIR (June) will analyze:
 - Potential environmental impacts of the May Draft Delta Plan
 - Alternatives to aspects of the May Draft Delta Plan
 - Modifications/mitigation measures that might lessen env. impacts of May Draft Delta Plan

Delta Plan vs. Delta Plan EIR: Process and Timing

- Delta Plan revised, if necessary, in light of EIR analysis and public comments
 - Council evaluates public comments (Aug)
 - Council review of revised Delta Plan (Aug)
 - Council review additional revisions, if necessary
 - Submit to Office of Admin Law (Sept)
 - Council adopts Final Delta Plan (Nov)
- Delta Plan becomes operative (Jan 2012)

Delta Plan v. Delta Plan EIR vs. OAL - Conclusion

Month	Delta Plan	Delta Plan EIR
Feb	Draft 1	Environmental Setting
Mar	Draft 2	Environmental Setting <i>Alternatives Formulation</i>
Apr	Draft 3	<i>Environmental Setting</i> Alternatives Formulation
May	Draft 4/Draft for EIR	
Jun	Receive public comment	Release Draft EIR
Jul	Receive public comment	Receive public comment
Aug	Council evaluate comments & revised Plan	Evaluate comments and prepare written responses
Sep	Revised Plan, if necessary Submit to OAL	Complete written responses Publish Final EIR
Nov	Adopt Final Delta Plan	Certify Final EIR
Jan 2012	Delta Plan Operative	